

Exhibit 5

From: Harris, Laura Ashley
Sent: Friday, December 9, 2022 4:07 PM
To: Collins, Melissa; Borrasso, Andrew
Cc: #Facebook-Gentex; Gentex-Meta; '22-3892@cases.warrenlex.com'; Turner, Ellisen Shelton; Deoras, Akshay S.; Glucoft, Josh; 'Meredith Addy'; Heffernan, Jeannie; 'erika@warrenlex.com'; 'sachli@warrenlex.com'; 'Matt Warren'; Harber, Adam; Ghosh, Shayon; Argall, Arthur
Subject: RE: Gentex Corp. et al. v. Meta Platforms, Inc. et al., No. 22-cv-3892-YGR
Attachments: 2022-12-09 Ltr from Harris to Collins.pdf

Melissa,

Attached is a responsive letter. Your “delay” allegations are wrong. We have repeatedly met with you to discuss a reasonable scope to discovery. We have also been working diligently to search for responsive materials, provide updated responses, and reach agreement where possible on many of the RFPs herein, as we stated we would on our last meet and confer. Moreover, Gentex has continued to ignore many of Meta’s questions, discovery requests, and reasonable discovery proposals. We disagree that Gentex’s longstanding failure to articulate any damages theories or contentions is impacted in any way by the overly broad and irrelevant discovery outlined in your letter.

Currently, we can be available for an in-person meet and confer at Kirkland’s San Francisco office on **Friday, December 16** provided that Thales’ counsel also attend this meet and confer as they too are a Plaintiff in this case, and provided that our outstanding discovery issues (which we have discussed with you and Thales many times) are also addressed. We’ll provide you a letter on that shortly, and Plaintiffs will need to be prepared to discuss on Friday, December 16 the outstanding discovery that Plaintiffs (Gentex and Thales) have failed to provide. But a more reasonable and efficient approach as to the issues you have raised would be to address them in a phone call, to the extent you still believe there are pressing, outstanding issues after reviewing our attached letter.

Finally, we have still received no response to our October 27 letter regarding Mr. Foxlin’s subpoena responses. This subpoena was served 7 months ago on May 9, 2022, yet we have not received a single document in response. Please provide a response to our letter by **Wednesday, December 14**, otherwise we will understand that Mr. Foxlin does not intend to supplement his subpoena responses, and we will move to compel a response. We also maintain our position that Mr. Foxlin must make his full notebooks that contain responsive information available for inspection. Please be prepared to discuss these issues on Friday, as well.

Thank you,
Laura

Laura Ashley Harris

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